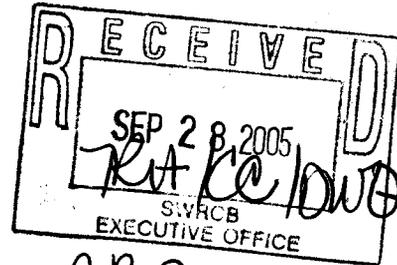




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901



RB3-

SEP 23 2005

Ms. Celeste Cantú
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Cantú:

Thank you for submitting the total maximum daily load (TMDL) for pathogens in San Luis Obispo Creek, California. The submission letter to EPA was dated August 18, 2005. Based on our review, EPA concludes the TMDL adequately addresses the pollutant of concern and upon implementation will result in attainment of applicable water quality standards. The TMDL includes allocations as needed, takes into consideration seasonal variations and critical conditions, and provides an adequate margin of safety. The State has provided adequate opportunities for public review of the TMDL. All required elements are adequately addressed; therefore, the TMDL is hereby approved pursuant to Clean Water Act Section 303(d)(2).

The attached review discusses the basis for this approval decision in greater detail. I appreciate the State and Regional Boards' work to complete and adopt the TMDL and look forward to our continuing partnership in TMDL development. If you have questions concerning this approval, please call me at (415) 972-3572 or Cheryl McGovern at (415) 972-3415.

Sincerely yours,

Alexis Strauss
Alexis Strauss
Director
Water Division

23 September 2005

Enclosure

cc: ✓ Roger Briggs, Executive Officer, Central Coast Regional Water Quality Control Board

**Staff Report Supporting Approval of TMDL:
Pathogens for Contact Recreation – San Luis Obispo Creek
September, 2005**

Background

This TMDL and implementation plan were adopted by the Central Coast Regional Water Quality Control Board on December 3, 2004 (Resolution No. R3-2004-0142) and by the State Water Resources Control Board on May 19, 2005 (Resolution No. 2005-0037). The TMDL addresses bacterial contamination of San Luis Obispo Creek due to discharges from point and nonpoint sources.

TMDL Review

On August 18, 2005, the State Water Resources Control Board submitted the final TMDL to EPA for approval. EPA received the package on August 23, 2005. Pursuant to Clean Water Act Section 303(d) and 40 CFR 130.2 and 130.7, EPA reviewed the TMDL submittal package to ensure that all required TMDL elements have been adequately addressed. EPA is taking no action with respect to the implementation plan as federal regulations do not provide for federal approval or disapproval of state TMDL implementation plans.

EPA's review is presented in the attached checklist, which documents EPA's findings that all required elements and an adequate level of technical justification for each element are included in the TMDL submission. Therefore, the TMDL should be approved.

TMDL Checklist

State: California

Waterbodies: San Luis Obispo Creek

Pollutant(s): Pathogens

Date of State Submission: August 18, 2005

Date Received: August 23, 2005

EPA Reviewer: Cheryl McGovern

Review Criteria	Comments
<p>1. Submittal Letter: State submittal letter indicates final TMDL(s) for specific water(s)/pollutant(s) were adopted by state and submitted to EPA for approval under 303(d).</p>	<p>The State submittal letter of August 18, 2005 indicates the TMDL for pathogens in San Luis Obispo Creek was approved by the Regional Board on December 3, 2004 and by the SWRCB on May 19, 2005. The submittal letter requests EPA approval pursuant to Section 303(d) (2) of the Clean Water Act.</p>
<p>2. Water Quality Standards Attainment: TMDL and associated allocations are set at levels adequate to result in attainment of applicable water quality standards.</p>	<p>The TMDL and associated allocations are set equal to the applicable concentration based water quality standards for fecal coliform bacteria and will therefore result in attainment of those standards. (Administrative Record, pages 729-804; basin plan amendment, pp. 4-7).</p>
<p>3. Numeric Target(s): Submission describes applicable water quality standards, including beneficial uses, applicable numeric and/or narrative criteria. Numeric water quality target(s) for TMDL identified, and adequate basis for target(s) as interpretation of water quality standards is provided.</p>	<p>The applicable concentration based water quality objectives for fecal coliform bacteria were selected as the numeric targets appropriate to ensure protection of water contact recreation (REC-1) as the primary beneficial use of concern. (Basin Plan Amendment, p. 4). Although the water quality standard for protection of shellfish harvesting for human consumption is more stringent than for REC-1, the most downstream reaches of the creek at the confluence of the ocean where shellfish harvesting occurs consistently meet this more restrictive standard. Therefore, a more stringent target was unnecessary to ensure attainment of water quality standards.</p>
<p>4. Source Analysis: Point, nonpoint, and background sources of pollutants of concern are described, including the magnitude and location of sources. Submittal demonstrates all significant sources have been considered.</p>	<p>The source analysis is described in the final TMDL staff report (p. 18 et seq.). Sources were characterized through evaluation of available water quality data, flow data, biological source tracking analysis, land-use information, and GIS coverages. The TMDL includes estimates of bacteria loadings associated with point sources (wastewater treatment discharges and regulated municipal stormwater sources) and nonpoint sources (humans, livestock, birds, and other animal sources).</p>
<p>5. Allocations: Submittal identifies appropriate wasteload allocations for point sources and load allocations for nonpoint sources. If no point sources are present, wasteload allocations are zero. If no nonpoint sources are</p>	<p>Wasteload and Load Allocations are described in Table 8.1 on page 38 of the Final TMDL Staff Report along with Table 1 in the basin plan amendment. Specific wasteload allocations are assigned to wastewater and stormwater sources. Specific load</p>

<p>present, load allocations are zero.</p>	<p>allocations are provided to address livestock managed by Cal Poly and to background sources. A general load allocation is also made to address all stream reaches and sources not covered by the specific individual wasteload and load allocations.</p>
<p>6. Link Between Numeric Target(s) and Pollutant(s) of Concern: Submittal describes relationship between numeric target(s) and identified pollutant sources. For each pollutant, describes analytical basis for conclusion that sum of wasteload allocations, load allocations, and margin of safety does not exceed the loading capacity of the receiving water(s).</p>	<p>Page 40 of the Final TMDL Staff Report describes the relationship between the sources and the numeric target. Because the numeric targets, TMDL, and allocations are identical, it was unnecessary to provide a sophisticated linkage analysis in this case.</p>
<p>7. Margin of Safety: Submission describes explicit and/or implicit margin of safety for each pollutant.</p>	<p>As described on p. 44 of the Final TMDL Staff Report, the TMDL provides an implicit margin of safety by incorporating concentration based allocations equal to the numeric targets, careful analysis of worst case scenarios during low flow conditions, and by taking a very conservative approach to considering pathogen die-off (i.e., the TMDLs assumed no pathogen die-off, which results in an environmentally conservative set of allocations).</p>
<p>8. Seasonal Variations and Critical Conditions: Submission describes method for accounting for seasonal variations and critical conditions in the TMDL(s)</p>	<p>Since the TMDL and wasteload/load allocations are equal to the water quality standard they must be met regardless of season or flow conditions. As discussed on p. 41 of the Final TMDL Staff Report, this approach ensures attainment of water quality standards in all seasons and under all flow conditions.</p>
<p>9. Public Participation: Submission documents provision of public notice and public comment opportunity; and explains how public comments were considered in the final TMDL(s).</p>	<p>The Regional Board provided public notice of the proposed TMDL decision through newspaper advertisements and web site postings. Public meetings and hearings were held at both the Regional Board and State Board levels. The Regional Board provided written responses to public comments demonstrating how public input was considered (See Administrative Record, pages 721-728.)</p>

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